IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA VALDOSTA DIVISION

JACOB ALAN HAROUFF, :

:

Plaintiff

7:05-CV-101(HL)

VS.

.

ASHLEY PAULK, DWIGHT PEETE, : MARK ELKINS, LOWNDES COUNTY : SHERIFF'S DEPARTMENT, LOWNDES :

COUNTY COMMISSION, : PRO

PROCEEDINGS UNDER 42 U.S.C. § 1983 BEFORE THE U.S. MAGISTRATE JUDGE

:

Defendants

ORDER

Pro se prisoner plaintiff **JACOB ALAN HAROUFF**, presently confined at the Lowndes County Jail in Valdosta, Georgia filed the above-styled complaint pursuant to 42 U.S.C. § 1983. Plaintiff seeks leave to proceed without pre-payment of the \$250.00 filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). As it appears plaintiff is unable to pay the cost of commencing this action, his application to proceed *in forma pauperis* is hereby **GRANTED**.

However, even if a prisoner is allowed to proceed *in forma pauperis*, he must nevertheless pay the full amount of the \$250.00 filing fee in installments based on funds in the prisoner's account. Hereafter, plaintiff will be required to make monthly payments of twenty (20%) percent of the deposits made to his prisoner account during the preceding month towards the full filing fee.

The agency having custody of plaintiff shall forward said payments from plaintiff's account

to the Clerk of this Court each time the amount in the account exceeds \$10 until the filing fee is paid.

28 U.S.C. § 1915(b)(2).

When a prisoner has funds in his account, he must pay an initial partial filing fee of twenty

(20 %) percent of the greater of (1) the average monthly deposits to the prisoner's account, or (2)

the average monthly balance in the prisoner's account for the six-month period immediately

preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1).

A review of plaintiff's trust fund account statement reveals that the average monthly balance

in his account for the period of time for which information is provided is \$16.37, while the average

monthly deposits to his account is \$125.00. Twenty percent of \$125.00 is \$25.00. Accordingly, it

is hereby **ORDERED** that plaintiff pay an initial partial filing fee of \$25.00.

Plaintiff shall have thirty (30) days from the date of his receipt of this order to pay the

required initial partial filing fee to the Clerk of the Court, or to explain to the Court his inability to

do so. Failure to comply with this order shall result in the dismissal of plaintiff's complaint. There

shall be no service in this case until further order of the Court.

SO ORDERED, this the 7th day of October, 2005.

/s/ Richard L. Hodge

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE

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